

Remarks

The Application has been reviewed in light of the Official Action of August 1, 2006. Claims 24-32 are new. Claims 14 and 24-32 are pending in the application.

No new matter is introduced by the amendments. The amendments correspond to matter claimed in original claims 1-13 and 15-23.

The Examiner rejected claim 14 under 35 U.S.C. 103(a) as being unpatentable over Hay et al. (US 4,834,371) in view of Blaustein et al. (US 5,885,128) and Lindman (US 3,091,459). Applicant respectfully requests that the Examiner reconsider the rejection of claim 14 because this claim requires "at least one accessory to be removably received by said doll, wherein said accessory is shoes removably attached to said doll at its feet and wherein said ferrous portion is permanently embedded completely within an interior part of-at least one of said shoes."

Applicant respectfully submits that the claimed invention is not obvious in view of the cited references. In order for the claimed invention to be obvious over the prior art, there must be some suggestion or motivation in the cited references to modify or combine the references in accordance with the claimed invention. See, MPEP §2143; *In re Mills*, 916 F.2d 680, 682, 16 USPQ2d 1430, 1432 (Fed. Cir. 1990). Further, the prior art references must teach or suggest all of the claim limitations. See MPEP §2143.

The Examiner cites Hay as teaching "a doll having at least one ferrous portion (11), a manipulator (4), a stage (2), a backing (7) and at least one shoe accessory (10)." (page 2). Hay discloses a game with magnetically operable pieces 3 shaped like a hockey player with "two supports 9 and 10 intended for contact with the game board 2, said supports being the feet of the figure. The magnet of the piece is located below or in the support 9...The support 10 rests on the game board 2 via a supporting surface made of a friction material, e.g. a piece of soft rubber. Magnetic force keeps the piece 3 erect, and the center of gravity 12 of the piece is preferably closer to the second support 10 than to the first support 9" (col. 3 l. 15-30). The need to have the center of gravity towards the rear is confirmed by Lindman, which indicates that this enables the player

to properly align with its direction of movement. (col. 11 l. 32-40). The Examiner notes that Hay fails to teach a plush doll and shoes removably attached to the doll's feet. Hay also does not teach or suggest at least one ferrous portion "permanently embedded completely within an interior part of at least one of said shoes." Still further, Hay does not disclose that the player has a removable accessory of any kind.

In fact Hay teaches away embedding a ferrous portion completely inside a figure. As shown in Fig. 3 supporting surface 11 is disposed below foot 10 and magnet 8 is disposed below foot 9. If magnet 8 were disposed within foot 9, than foot 10 would be disposed at an elevated position relative to foot 9 due to supporting surface 11. This inherently would cause the player to be pitch forward and orient the center of gravity of the player in the forward direction, thus inhibiting the ability of the player to be properly oriented in the direction of movement. Such an embodiment would be directly contrary to the teachings of both Hay and Lindman. Since both references teach that it is important to orient the center of gravity of the player rearward, one skilled in the art would not be motivated to modify Hay such that magnet 8 would be disposed within foot 9.

The Examiner cites Lindman as teaching a player 146 that has a magnet carried within the player. Fig. 4 illustrates a figurine portion 36 that is "securely attached to the top surface of bar magnet 35." (col. 6 l. 1-9). The figurine portion 36 is illustrated as the upper body and head of a football player. The bar magnet 35 is a base to which the figurine is attached and is a "truncated conical-shape." *Id.* Fig. 21 illustrates a runner 144 and a fielder 146. "Each runner comprises a figurine formed to simulate a man running, his feet being formed integral with a thin plastic base 142. A bar magnet 144 is canted angularly from base 142..." (col. 11 l. 26-29). Runner 140 is illustrated as straddling the magnet between the forward and rearward legs. The fielder 146 "is formed integral with a pedestal 148 which the figure appears to straddle." (col. 11 l. 45-47). Fig. 21 illustrates that a vertically mounted magnet 154 is disposed in the region between the legs of fielder 146. Figs. 24-28 illustrate numerous embodiments for football players. For instance, Fig. 24 illustrates a kicker 180 that "is formed integral with a base or pedestal 182 which carries an angularly disposed magnet 184..." (col. 13 l. 42-43).

Fig. 24 illustrates that the pedestal 182 is an element that resides outside the shape that forms the kicker. Figs. 21 and 24-27 also depict large magnets relative to the size of the player's. These figures illustrate that these magnets correspond in length to a player's leg or arm. Lindman discloses that these relatively large magnets assist in maintaining the center of gravity of the players towards the rear of the players, which assists orientation during movement. (col. 11 l. 32-40); (col. 13 l. 41-52). Lindman does not teach or remotely suggest that these magnets could be incorporated into a shoe of a player. In fact, Lindman teaches away such an embodiment, because Lindman discloses the use of relatively large magnets that are necessary to maintain the center of gravity of the player rearward. Further, like Hay, Lindman does not disclose that the player has a removable accessory of any kind. As a result, one skilled in the art would not be motivated to modify Lindman in accordance with the claimed invention.

The Examiner cites Blaustein as teaching a toy made of plush material. Blaustein teaches a plush toy 10 that can have a secondary object O that can be attached to the head H of the toy at point 22. Blaustein discloses that a shoe can be the secondary object O and is used to exaggerate the shaking of head H. Blaustein does not disclose that the shoe is able to be removably attached to any foot off the plush toy. In fact, the Examiner does not identify any part of the cited references that disclose "shoes removably attached to said doll at its feet." Further, Blaustein does not teach or suggest "at least one accessory to be removably received by said doll, wherein said accessory is shoes removably attached to said doll at its feet and wherein said ferrous portion is permanently embedded completely within an interior part of-at least one of said shoes."

Applicant further submits that one skilled in the art would not be motivated to combine the references in accordance with claim 14. As noted above, Lindman teaches the use of large magnets relative to the size of a player that are disposed within bases to which the players are attached. Hay teaches a magnet disposed below a foot of a player. Blaustein merely teaches a plush toy with a shoe that attaches to the toy's mouth. Neither Hay nor Lindman disclose pieces with magnetic elements that have re-

movable accessories, let alone incorporating a magnet in the removable accessory. As a result, these references do not disclose nor fairly suggest "at least one accessory to be removably received by said doll, wherein said accessory is shoes removably attached to said doll at its feet and wherein said ferrous portion is permanently embedded completely within an interior part of-at least one of said shoes."

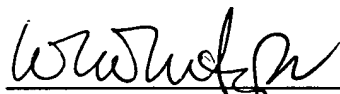
In fact if Lindman were to be combined with Hay, such a combination would likely result in the hockey player being connected to a base with a large magnet disposed in the base and oriented in a rearward direction. Lindman provides no motivation to move the magnet into the shoe of the hockey player and to have the shoe be removeable from the foot of the player. Hay also does not provide any motivation to render such an embodiment. Thus, the combination of these references would still lack "at least one accessory to be removably received by said doll, wherein said accessory is shoes removably attached to said doll at its feet and wherein said ferrous portion is permanently embedded completely within an interior part of-at least one of said shoes."

Based on the foregoing, Applicant respectfully submits that claim 14 is not obvious over the cited references.

In view of the foregoing amendments and remarks, it is respectfully submitted that all of the claims currently pending in the application are now in condition for allowance. Reconsideration and notice to that effect is earnestly requested.

Respectfully submitted,

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